



General Assembly

February Session, 2010

***Raised Bill No. 129***

LCO No. 288

\*00288\_\_\_\_\_GL\_\*

Referred to Committee on General Law

Introduced by:  
(GL)

***AN ACT ESTABLISHING AN OFFICE OF CONDOMINIUM  
OMBUDSMAN.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective January 1, 2011*) (a) For the purposes of  
2 this section and sections 2 to 4, inclusive, of this act:

3 (1) "Board of directors" means a board of directors, as defined in  
4 section 47-68a of the general statutes, of a condominium;

5 (2) "Commissioner" means the Commissioner of Consumer  
6 Protection;

7 (3) "Community association manager" means a community  
8 association manager, as defined in section 20-450 of the general  
9 statutes;

10 (4) "Common interest community" means a common interest  
11 community, as defined in section 47-202 of the general statutes;

12 (5) "Condominium" means a condominium, as defined in section 47-  
13 68a of the general statutes;

14 (6) "Executive board" means an executive board, as defined in  
15 section 47-202 of the general statutes, of a common interest  
16 community; and

17 (7) "Unit owner" means a unit owner, as defined in section 47-68a of  
18 the general statutes, of a condominium unit, or section 47-202 of the  
19 general statutes, of a common interest community unit.

20 (b) There is established an Office of Condominium Ombudsman  
21 within the Department of Consumer Protection. The Office of  
22 Condominium Ombudsman shall be under the direction of the  
23 Commissioner of Consumer Protection, or the commissioner's  
24 designee.

25 (c) With respect to the Office of Condominium Ombudsman, the  
26 Commissioner of Consumer Protection, or the commissioner's  
27 designee may:

28 (1) Investigate and resolve complaints concerning unit owners,  
29 boards of directors, executive boards, community association  
30 managers, and managing agents of condominiums or common interest  
31 communities;

32 (2) Analyze the laws regarding condominiums and common interest  
33 communities and make recommendations to the Governor and the  
34 General Assembly for legislation;

35 (3) Publish information concerning laws and regulations related to  
36 condominiums and common interest communities; and

37 (4) Refer any complaint received by the office to the appropriate law  
38 enforcement agency for prosecution, if deemed appropriate by the  
39 commissioner.

40 (d) The Commissioner of Consumer Protection may adopt  
41 regulations, in accordance with chapter 54 of the general statutes, to  
42 implement this section and sections 2 to 4, inclusive, of this act.

43       Sec. 2. (NEW) (*Effective January 1, 2011*) (a) Any unit owner or group  
44 of unit owners may file a request with the Office of Condominium  
45 Ombudsman that the commissioner or the commissioner's designee  
46 review the complaint of the unit owner or group of unit owners  
47 regarding alleged violations of any provision of chapter 825 of the  
48 general statutes or chapter 828 of the general statutes, as the case may  
49 be, or a bylaw of a condominium association or common interest  
50 community association concerning the budget and appropriation of  
51 condominium association or common interest community association  
52 funds, the calling and conduct of condominium association or common  
53 interest community association meetings, or access to public records of  
54 the condominium association or common interest community  
55 association, provided (1) the complaint of the unit owner or group of  
56 unit owners was reviewed through the dispute resolution process  
57 established in section 3 of this act, or (2) the unit owner or group of  
58 unit owners has filed a sworn affidavit that the condominium  
59 association or common interest community association has not  
60 established such dispute resolution process. Such request shall be in  
61 writing, on such form as the commissioner may prescribe, and shall be  
62 accompanied by a fee of thirty-five dollars. Upon receipt of such  
63 request and after a determination by the commissioner or designee  
64 that such complaint presents a colorable claim of a violation of any of  
65 said provisions of statute or bylaws and that such complaint was not  
66 filed with malicious intent to unjustly vex or trouble the condominium  
67 association or common interest community association, the  
68 commissioner or the commissioner's designee shall notify the  
69 condominium association or common interest community association  
70 that is the subject of the complaint of such request and the fee required  
71 by this subsection. Not later than thirty days after receiving notice of  
72 the complaint from the commissioner or the commissioner's designee,  
73 the condominium association or common interest community  
74 association shall pay to the commissioner a fee of thirty-five dollars. If  
75 such condominium association or common interest community  
76 association fails to pay such fee not later than thirty days after the date

77 of such notice, the commissioner shall assess a penalty of one hundred  
78 dollars against such condominium association or common interest  
79 community association, in addition to such thirty-five-dollar fee.

80 (b) The commissioner or the commissioner's designee may mediate  
81 a complaint pursuant to a request filed under subsection (a) of this  
82 section.

83 (c) The commissioner or the commissioner's designee may conduct  
84 an investigation and make findings and recommendations regarding  
85 any matter concerning a violation of chapter 825 of the general  
86 statutes, chapter 828 of the general statutes, or the bylaws of a  
87 condominium association or common interest community association.

88 (d) After notice and hearing pursuant to chapter 54 of the general  
89 statutes, the commissioner may:

90 (1) Issue an order to any person found to have violated any  
91 provision of chapter 825 or 828 of the general statutes, or the bylaws of  
92 the condominium association or common interest community  
93 association, requiring such person to cease such violation;

94 (2) Order any person found to have violated any such provision to  
95 make restitution for damages caused by such violation;

96 (3) Assess a penalty up to two hundred dollars per knowing  
97 violation; or

98 (4) Through the Attorney General, petition the superior court for the  
99 judicial district where the violation occurred for the enforcement of  
100 any order issued by the commissioner, or for appropriate temporary  
101 relief or a restraining order, and shall certify and file in the court a  
102 transcript of the entire record of all hearings, including all testimony  
103 upon which such order was made and the findings and orders made  
104 by the commissioner. The commissioner shall provide written notice of  
105 the filing of such petition to the condominium association or common  
106 interest community association not later than three business days after

107 the date such petition is filed in the superior court. The court may  
108 grant such relief by injunction or otherwise, including temporary  
109 relief, as it deems equitable and may make and enter a decree  
110 enforcing, modifying and enforcing as so modified, or setting aside, in  
111 whole or in part, any order of the commissioner.

112 (e) Any person aggrieved by a final decision of the commissioner  
113 may appeal therefrom in accordance with section 4-183 of the general  
114 statutes.

115 (f) Any fee or penalty collected pursuant to this section shall be  
116 deposited in the General Fund.

117 Sec. 3. (NEW) (*Effective from passage*) Not later than January 1, 2011,  
118 each condominium association or common interest community  
119 association shall establish a dispute resolution process for unit owner  
120 complaints regarding compliance by the condominium association or  
121 common interest community association with any provision of chapter  
122 825 of the general statutes, chapter 828 of the general statutes, or a  
123 bylaw of a condominium association or common interest community  
124 association concerning the budget and appropriation of condominium  
125 association or common interest community association funds, the  
126 calling and conduct of condominium association or common interest  
127 community association meetings, or access to public records of the  
128 condominium association or common interest community association.  
129 The dispute resolution process shall provide the opportunity for the  
130 unit owner to be heard regarding such complaint. Any complaint that  
131 is not resolved through the dispute resolution process established  
132 under this section may be filed with the Office of Condominium  
133 Ombudsman on or after January 1, 2011, pursuant to section 2 of this  
134 act.

135 Sec. 4. (NEW) (*Effective January 1, 2011*) On January 1, 2011, and  
136 annually thereafter, each condominium association and common  
137 interest community association shall provide the Commissioner of  
138 Consumer Protection a certified copy of the last annual or biennial

139 report of the association filed with the Secretary of the State, and shall  
140 pay a fee to the commissioner in an amount as follows: (1) Fifty dollars  
141 for each condominium association or common interest community  
142 association with twenty or fewer units; (2) one hundred dollars for  
143 each condominium association or common interest community  
144 association with more than twenty units but less than one hundred  
145 units; and (3) two hundred dollars for each condominium association  
146 or common interest community association with one hundred or more  
147 units. Any condominium association or common interest community  
148 association that fails to pay such fee shall, in addition to such fee, be  
149 assessed a penalty of one hundred dollars for each year such fee was  
150 not paid. The Attorney General, upon referral by the commissioner,  
151 may bring an action in the superior court to collect such fees and  
152 penalties.

153 Sec. 5. Section 20-452 of the general statutes is repealed and the  
154 following is substituted in lieu thereof (*Effective January 1, 2011*):

155 (a) Any person seeking a certificate of registration shall apply to the  
156 department in writing, on a form provided by the department. Such  
157 application shall include the applicant's name, residence address,  
158 business address, business telephone number and such other  
159 information as the department may require.

160 (b) Each application for a certificate of registration as a community  
161 association manager shall be accompanied by an application fee of  
162 sixty dollars and a registration fee of [one] four hundred dollars. The  
163 department shall refund the registration fee if it refuses to issue a  
164 certificate of registration.

165 Sec. 6. Subsection (d) of section 20-457 of the 2010 supplement to the  
166 general statutes is repealed and the following is substituted in lieu  
167 thereof (*Effective January 1, 2011*):

168 (d) All certificates issued under the provisions of sections 20-450 to  
169 20-462, inclusive, as amended by this act, shall expire [annually]

170 biennially on the thirty-first day of January. The fee for renewal of a  
171 certificate shall be [two] four hundred dollars.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>January 1, 2011</i>	New section
Sec. 2	<i>January 1, 2011</i>	New section
Sec. 3	<i>from passage</i>	New section
Sec. 4	<i>January 1, 2011</i>	New section
Sec. 5	<i>January 1, 2011</i>	20-452
Sec. 6	<i>January 1, 2011</i>	20-457(d)

***Statement of Purpose:***

To establish an Office of Condominium Ombudsman within the Department of Consumer Protection.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*